


Approved as to Form and Legality

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Oakland City Council

RESOLUTION No. 82941 C.M.S.

10 JUL 23 PM 2:53

RESOLUTION AUTHORIZING THE CITY ATTORNEY, ON BEHALF OF THE CITY OF OAKLAND, TO JOIN IN OR SUBMIT A SEPARATE AMICUS CURIAE (FRIEND OF THE COURT) LETTER IN SUPPORT OF A PETITION FOR REVIEW TO THE CALIFORNIA SUPREME COURT ON BEHALF OF THE CITY OF SANTA MONICA CALIFORNIA IN THE CASE OF EMBASSY LLC V. CITY OF SANTA MONICA (CALIFORNIA COURT OF APPEAL, 2ND DISTRICT, NO. B217622, JUNE 14, 2010) HOLDING THAT LANDLORDS CANNOT WAIVE ELLIS ACT (GOV. CODE § 7060) RIGHTS

WHEREAS, the California Court of Appeal, 2nd District held in the case of Embassy LLC v. City of Santa Monica (California Court of Appeal, Second District, No. B217622, June 14, 2010) held that a city cannot require a landlord to waive Ellis Act rights absent a direct financial contribution from the city; the Ellis Act permits landlords to remove presidential rental units from the rental market;

WHEREAS, the Embassy decision can affect cities, developers, and landlords ability to make land-use, subdivision, development, and other agreements that might require the retention or development of residential rental housing and may also impact California Environmental Quality Act mitigations; and

WHEREAS, Santa Monica intends to file a petition to the California Supreme Court to have that court review and reverse the Embassy decision and has requested that other California cities submit letters of support for Santa Monica's petition for review; and

WHEREAS, the City of Oakland desires to join in the filing submits its own letter in support of the Santa Monica's edition for review; now therefore be it

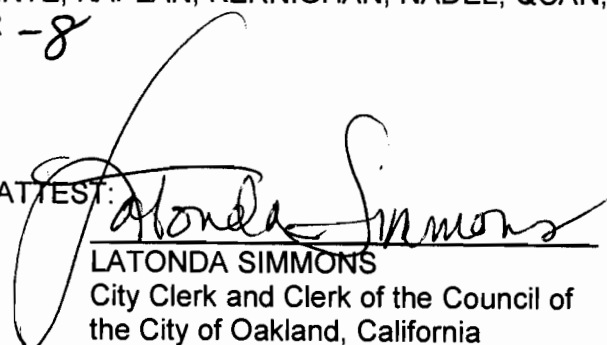
RESOLVED: that the City Council authorizes the City Attorney join or submit its own amicus ("friend of the court") letter of support for the City of Santa Monica's petition for review to reverse the Embassy decision.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 20 2010

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California